

REMARKS

INTRODUCTION

In accordance with the foregoing, no claims have been amended. Claims 1-5 and 7-12 are pending and under consideration.

CLAIM REJECTIONS

Claims 1-5 and 7-12 were rejected under 35 USC 103(a) as being unpatentable over Komma et al. (US 5,644,413) (hereinafter "Komma") in view of Yagi et al. (US 5,754,513) (hereinafter "Yagi").

Claims 1-5 and 7-12

Claim 1 recites "...wherein a position of the cylinder is adjustable in the optical axis direction and a rotation direction with respect to the holder."

In the Office Action, the Examiner notes that Komma does not discuss this feature of claim 1. Instead, the Office Action relies on Yagi. Specifically, the Examiner relies on Figures 82a and 82b of Yagi and the associated text which discusses how a diffractive grating 12 is held in a cylindrical holder 121.

It is respectfully submitted that Figures 82a and 82b of Yagi clearly **do not** show that the cylindrical holder 121 is designed to be moveable in an optical axis direction.

Figures 82a and 82b show, and the associated text discusses, that the cylindrical holder 121 allows the diffractive grating to be rotated around the optical axis.

However, it is respectfully submitted that Yagi does not discuss a position of the cylinder is adjustable in the optical axis direction. In the "Response to Arguments" section, the Examiner notes that Yagi discusses that: "a rotation function for the diffraction grating is incorporated with the compensation means which moves the grating in the optical axis direction, such that both functions operate together."

However, Yagi, at 66:15-66:17 discloses that: "When the rotation of the diffraction grating 12 is interlocked with the correction means of the difference of the thickness of the disk or the diaphragm means..."

In Yagi, the "correction means" is disclosed as a correction lens. See Yagi, Figure 72. Accordingly, it is respectfully submitted that the rotation of the cylinder holder 121 would be interlocked with a correction lens 17.

It is further respectfully submitted that the above argument is strengthened by the fact that Figures 82a and 82b of Yagi clearly **do not** contain arrows to show that the cylindrical holder 121 is designed to be moveable in an optical axis direction.

As a further example, the Examiner's attention is directed to Example 25 of Yagi (Yagi, 56:25-58:32) which discusses that the correction means including the collimator lens moves in the direction of the optical axis. However, neither the diffraction grating nor wavelength plate moves in the direction of the optical axis. Accordingly, the compensation means cannot move the grating in the optical axis direction in Yagi.

Claims 2-5 and 7-12 depend on claim 1 and are therefore believed to be allowable for at least the foregoing reasons.

Withdrawal of the foregoing rejections is requested.

CONCLUSION

There being no further outstanding objections or rejections, it is submitted that the application is in condition for allowance. An early action to that effect is courteously solicited.

Finally, if there are any formal matters remaining after this response, the Examiner is requested to telephone the undersigned to attend to these matters.

If there are any additional fees associated with filing of this Amendment, please charge the same to our Deposit Account No. 19-3935.

Respectfully submitted,

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